

GP9 Public Meeting Notes
5/3/2016

- Question: as far as commercial, even a 500 square foot commercial building will not be covered under this permit?
 - Answer: yes, any size commercial building
 - Question: even if the commercial building is smaller than a residence
 - Answer: yes, as it is difficult to determine a cutoff as even small industrial buildings can be adding a significant amount of chemicals to the water; in addition, this general permit is intended to cover more temporary discharges (except for geothermal discharges); we will see in the future if it is necessary or feasible to expand permit coverage, and this is something we can think about
- Question: are you going to eventually remove uncontaminated GW from under GP2?
 - Answer: no, we are not planning on doing this
- Question: can we choose to use GP9 if we are not sure we are discharging uncontaminated groundwater
 - Answer: yes
 - Question: could the permit state something like that; such as you can use this permit if you are not covered under GP2 for uncontaminated groundwater
 - Answer: we can look at this
- Question: if you have a yes for an adjacent site that there was lead, then you would have to file an eNOI for the adjacent site?
 - Answer: the way the permit is written, yes, but it is a risk assessment, if the site is far enough away in your opinion, you could choose to not file an eNOI
- Question: you could hire a hydrogeologist to do an assessment, and if their assessment concluded there was no contamination, you would not need an eNOI, right?
 - Answer: yes
- Question: if we determine we will get contamination and we have a treatment system to treat the contamination, do you have to file an eNOI?
 - Answer: we have not dealt with that in the permit really
- Question: so if you are doing treatment, the pollutant will not be expected in the discharge, so no eNOI would be needed, right?
 - Answer: that is correct, if you are treating to a level below concern; we can make this more clear in the permit
- Question: what other permits would you need for a temporary treatment system?
- Answer: our construction permitting section does not issue construction permits for such temporary treatment systems
- Q: the database, is it publicly viewable, can I see documentation for other permittees, or will that info just be viewable to you guys?
 - Answer: we have not determined that yet as we are in the early stages; for the public to view everyone's permits, that would be more expensive
 - Question: so right now, it is just a data entry site

- Answer: yes, that is what we are anticipating. Would it be valuable to have a public viewer, and how would it be used?
- Stakeholder Answer: I was anticipating using a public viewer to look at others antidegradation analysis; you could also use it to look at consistency across applications
- Question: will you get an email when you submit an eNOI?
- Answer: yes, definitely

- Question: would you post the alternatives analysis you have prepared for GP9?
 - Answer: yes we can do that

- Question: there is no restriction on flow rates, right?
 - Answer: no, there is not

- Question: it says to avoid direct discharge when reasonably possible, who determines what is reasonably possible?
 - Answer: this serves to help you better comply with other portions of the permit; the idea is if it is reasonably possible to avoid surface water discharge, you will be more likely to comply with other sections of the permit

- Question: section B talks about applying to ground surface or surface water; if the discharge is just to the land itself, does it need a permit?
 - Answer: we have rules requiring wastewater permits for wastewater disposal systems; we are basically considering these as disposal systems; we are trying to cover the state law requiring a permit if you go to a waterbody or the ground surface and the CWA rules that require an NPDES permit for surface water discharge
 - Question: so if you have an individual permit for a land discharge now, you could be covered under this general permit in the future?
 - Answer: yes, you could, if you meet the qualifications, and if you want to be covered under the general permit
 - Question: would you still need a permit to discharge to the land today?
 - Answer: yes, you would need an individual permit, and we are trying to simplify this and allow coverage under a general permit for both discharges to land and to surface waters

- Question: do you need a permit for disposing of groundwater?
 - Answer: there are things in the groundwater that are not in surface water, so the groundwater can be considered a pollutant and a permit is required
 - Comment: when discharging for dewatering purposes, the best thing is to go to the ground surface, but we can go to the stream if there are no pollutants
 - Answer: yes, but since it is hard to determine whether or not you have a pollutant, we are trying to allow for coverage when general pollutants may be discharged; we can discuss including different pollutants here as needed; it is a struggle to cover these low risk discharges under the permits

- Question: we are struggling to determine when and who is covered under the permit. What is a construction activity? Is there some definition of this?
 - Answer: we think this is defined in the CFR; the term is used often in storm water permits; we can look it up later and we can put it in the permit (if it exists)
 - Answer: we are trying not to cover dewatering of a superfund site; we are trying to cover temporary dewatering situations. Can you think of a situation where you would need a permit that is not covered by the draft permit?

- Stakeholder Answer: are not sure if we can come up with such a situation; the coverage is unclear and needs more definition in the permit
- Question: if a valve fails and you have to pump water around the valve to make the repair, do you have to be covered under GP9, if you know contamination is present (you are in an industrial situation)? Can I make a repair, or do I have to wait 30 days to make a repair?
 - Comment: we know the intent is to try to cover most activities, but we may not know if there is contamination in the water or from the dewatering activity until the activity starts
 - Comment: you can only look at what is available; whether there is no history of contamination
 - Question: what if you find something new when you start?
 - Answer: you have to do due diligence when determining if there was contamination
 - Question: so what if we discover contamination, do we have to stop and wait 30 days to get coverage under the permit?
 - DNR: is this something that occurs often?
- Question: is there a volume associated with the discharge water that triggers the permit?
 - Answer: no there is no de minimum exemption, a permit is required regardless of the volume of water, but we could consider a rule change
- Comment: maintenance activities may be separated from construction activities in the CFR, so something like a valve replacement may be a maintenance activity
 - DNR Comment: we can look to see if such things are addressed in the existing general permits in other states
- Question: what is the source of the language on the discharge to the ground?
 - Answer: it is from the wastewater design standards
- Question: are the requirements for state operating permits the same or different? Where are the operating permit requirements?
 - Answer: the requirements are in a couple of places; Iowa Code 455B.183 subsection C and Chapter 64 of the Administrative Code
 - Question: What is the difference between a state permit and an NPDES permit? What different things may apply now that the discharge is covered under an NPDES permit?
 - Answer: penalties can be up to \$10,000 for both NPDES and operation permits and both can be referred to the Iowa attorney general; an NPDES permit is subject to federal enforcement as well, and an operation permit is only subject to state enforcement; there are differences in coverage between general and individual permits like fees; there is not a current statewide operation permit covering these discharges; the current land application permits are individual permits
- Question: if we are discharging near a grassed road ditch, what is that considered as?
 - Answer: road ditches are included in the definition of waters of the state
- Question: if you are construction a sewer right next to a stream and you are dewatering and putting the water right back into the stream, that needs a permit right? The water would be muddy and some BMPs could be needed
 - Answer: correct, this permit gives the option to get coverage for something like this under the general permit, with potential BMPs, when it would be difficult to get coverage under an individual permit for such a discharge; this permit will give the coverage to allow such discharges to occur legally, where we do not have that avenue now

- Question: I assume that whoever signs the NOI is the person you determine is responsible?
 - Answer: yes, and the signatory requirements are applicable across the NPDES program
 - Question: so we will send a letter stating who is responsible and we will pass the NOI to that person to sign
 - Answer: correct
- Question: this states the permittee must notify the department when they discover pollution, and the pollution could be as simple as something like erosion, but you don't want to be called every time there is something as simple as a washout; do you want simple fixable things reported?
 - Answer: we will have to look at this; the intent is to make sure the FO is contacted if there is a hazardous condition, not if there is something simple like erosion
- Question: could you extend the comment deadline by a week, to the 17th? At this point, a week would be tight
 - Answer: go ahead and send us comments when you have them; we will accept them, but since we have widely publicized the date, we won't change it now
- Question: if you have discharged to a grounds surface and it never leaves your construction site, do you need coverage under this permit?
 - Answer: the way it is currently written, yes, there is no exclusion for discharges that do not leave the site, so in the current language, it would apply to you as there is not a good definition of wastewater disposal system, but we could look at this
 - Comment: the permit comes with a lot of visual and recordkeeping requirements
 - Answer: there are not a lot of requirements unless you submit an NOI and the other records are for your own protection
 - Comment: if the discharge never leaves my site, I am not contributing to that
- Question: will formal responses to comments be provided on the website?
 - Answer: no, because this is an informal process at this point, but you will see a new general permit on the webpage